

In the
Indiana Supreme Court



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES)
)
FOR PARKE COUNTY)

Case No.

61500-1008-MS-441

ORDER APPROVING AMENDED LOCAL RULES

The judge of the Parke Circuit Court requests the approval of amended local rules for appointment of special judges in accordance with Ind. Trial Rule 79 and Ind. Criminal Rule 13. Attached to this Order are the proposed amended local rules.


Upon examination of the proposed rule amendments requested by the Parke Circuit Court, this Court finds that the proposed rule amendments, LR61-TR79-6.1 through 6.4 and LR61-CR12-8.1 through 8.2, comply with the requirements of Ind. Trial Rule 79 and Ind. Criminal Rule 13, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Parke County Local Rules, LR61-TR79-6.1 through 6.4 and LR61-CR12-8.1 through 8.2, set forth as an attachment to this Order, are approved effective retroactive to August 1, 2010, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Sam A. Swaim, Parke Circuit Court, 116 West High Street, #201, Rockville, IN 47872-1782; to the Clerk of the Parke Circuit Court; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Parke Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Court, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 20th day of August, 2010.


Randall T. Shepard ACTING CHIEF JUSTICE
Chief Justice of Indiana

LOCAL RULE 6
SPECIAL JUDGE ASSIGNMENT IN CIVIL MATTERS
(LR61-TR79-TR-6.1, 6.2, 6.3, 6.4)

6.1 Except as provided in paragraph 6.3 herein, if it becomes necessary to reassign a civil or other non-criminal case due to the granting of a change of judge, then in the absence of an agreement as to a particular special judge [TR 79(D)], or an agreement to have the regular sitting judge appoint a special judge [TR 79(E)], the regular sitting judge shall name a panel pursuant to TR 79(F) consisting of judges from Administrative District 7 and judges from Fountain and Montgomery Counties who have agreed to serve.

If none of the above methods produce a special judge, the clerk of the court shall select a name on a rotating basis from an alphabetical list of judges or magistrates eligible under Trial Rule 79(J) for appointment as special judge.

6.2 Except as provided in paragraph 6.3 herein, if it becomes necessary to reassign a civil or other non-criminal case due to the recusal or disqualification of the regular sitting judge, then in the absence of an agreement as to a particular special judge [TR 79(D)], or an agreement to have the regular sitting judge appoint a special judge [TR 79(E)], the clerk of the court shall select a name on a rotating basis from an alphabetical list of judges or magistrates eligible under Trial Rule 79(J) for appointment as special judge

6.3 In the event the regular sitting Judge disqualifies himself in any proceeding, other than a criminal case, involving the Hanner Law Firm, the cause shall immediately be assigned to one of the following senior judges: The Honorable Charles K. McCrory, The Honorable Dexter L. Bolin, The Honorable Robert M. Hall, and The Honorable Vincent F. Grogg. A Special Judge shall be selected on a rotating basis from an alphabetical list of the judges set forth above. In the event the selected Judge is unable to serve, the next judge on the list shall be selected until the list is exhausted.

6.4 If under paragraphs 6.1, 6.2 and 6.3 no judge is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge may certify the case to the Supreme Court for appointment of a special judge.

LOCAL RULE 8
CRIMINAL RULES
(LR61-CR12-CR-8.1, 8.2)

8.1 In the event a change of judge is granted or it becomes necessary to assign another judge in any felony or misdemeanor proceedings in the Parke Circuit Court, the following individuals have agreed to serve: The Honorable Bruce V. Stengel (Vermillion Circuit Court), The Honorable Susan Orr-Henderson (Fountain Circuit Court), The Honorable Charles D. “Denny” Bridges (Putman Superior Court), The Honorable Matthew L. Headley (Putnam Circuit Court) and The Thomas K. Millikan (Montgomery Circuit Court). A special judge shall be selected on a rotating basis from an alphabetical list of the judges set forth above. In the event the selected judge is unable to serve, the next judge on the list shall be selected until the list is exhausted.

8.2 In the event none of the above judges are available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of a special judge. In the event the presiding Judge in a felony or misdemeanor case concludes that the unique circumstances presented require appointment of a special judge by the Indiana Supreme Court, the presiding judge may request the Indiana Supreme Court for such appointment.